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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **CHARI**

Application No: **09/671,995**

Group Art Unit: **1642**

Filed: **September 29, 2000**

Examiner: **S. Rawlings, Ph.D.**

For: **Compositions and Methods for Treating Cancer Using
Immunoconjugates and Chemotherapeutic Agents**

Docket No: 104322.198 US1

Assistant Commissioner of Patents
Washington, DC 20231

Response to Third Restriction Requirement

This Response is submitted in reply to the Third Restriction Requirement dated October 9, 2001, for which a response is due on or before November 9, 2001.

Applicant thanks Examiner Rawlings for withdrawing the previous restriction requirement and issuing a new restriction requirement.

I. Response to Restriction Requirement

In response to the restriction requirement, Applicant elects Group II, claims 40, 41 and 44-89, drawn to a composition and kit, with traverse.

Pursuant to MPEP 821.04, Applicant respectfully requests rejoinder of Group I, claims 1-32, with elected Group II. Applicant respectfully submits that a search for the claims in Group II will necessarily encompass a search for the claims in Group I, and will not place an undue burden on the Examiner.

II. Response to Election of Species Requirement

In Paragraph No. 7, the Examiner has requested Applicant to elect species from the claims set forth in the Office Action at pages 3-6. In response thereto, Applicant elects the following:

- Claim 1 where the cancer is lung cancer.
- Claim 1 where the anti-mitotic agent is a maytansinoid.
- Claim 8 where the Vinca alkaloid is navelbine.
- Claim 8 where the dolastatin is dolastatin 10.
- Claim 8 where the cryptophycin is cryptophycin 52.

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Claim 10 where the monoclonal antibody or fragment thereof is humanized N901.

Claim 1 where the chemotherapeutic agent is a taxane.

Claim 16 where the taxane is paclitaxel.

Claim 19 where the epothilone is epothilone B.

Claim 21 where the platinum compound is carboplatin.

Claim 23 where the epipodophyllotoxin is etoposide.

Claim 25 where the camptothecin compound is topotecan

Claim 40 where the anti-mitotic agent is a maytansinoid.

Claim 46 where the Vinca alkaloid is navelbine.

Claim 46 where the dolastatin is dolastatin 10.

Claim 46 where the cryptophycin is cryptophycin 52.

Claim 48 where the monoclonal antibody or fragment thereof is humanized N901.

Claim 40 where the chemotherapeutic agent is a taxane compound.

Claim 54 where the taxane compound is paclitaxel.

Claim 57 where the epothilone is epothilone B.

Claim 59 where the platinum compound is carboplatin.

Claim 61 where the epipodophyllotoxin is etoposide.

Claim 63 where the camptothecin compound is topotecan

Claim 41 where the anti-mitotic agent is a maytansinoid.

Claim 68 where the Vinca alkaloid is navelbine.

Claim 68 where the dolastatin is dolastatin 10.

Claim 68 where the cryptophycin is cryptophycin 52.

Claim 70 where the monoclonal antibody or fragment thereof is humanized N901.

Claim 41 where the chemotherapeutic agent is a taxane compound.

Claim 76 where the taxane compound is paclitaxel.

Claim 79 where the epothilone is epothilone B.

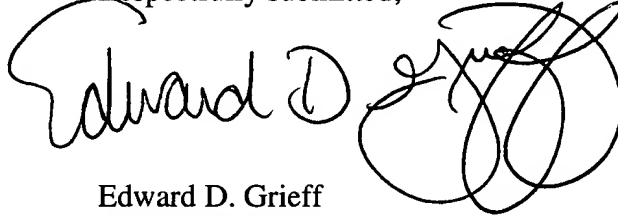
Claim 81 where the platinum compound is carboplatin.

Claim 83 where the epipodophyllotoxin is etoposide.

Claim 85 where the camptothecin compound is topotecan

Applicant respectfully requests and early and favorable consideration and allowance of the pending claims.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Edward D. Grieff", followed by a large, stylized circular flourish or scribble.

Edward D. Grieff
Registration No. 38,898

Date: November 7, 2001

Hale and Dorr LLP
1455 Pennsylvania Avenue, NW
Washington, DC 20004
Phone: 202-942-8400